

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

NO: 5:08-CR-15-FL-3

UNITED STATES OF AMERICA

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Plaintiff,

)

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v.

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ORDER

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KETA DANYELLE LAMB

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Defendant.

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On April 23, 2008, this Court ordered that the Defendant be evaluated by at least one qualified psychologist or psychiatrist to determine her competency to proceed with her detention hearing on revocation and ultimately her trial. [DE-65]. On August 19, 2008, this Court received a forensic report detailing the results of the Court ordered evaluation. A mental competency hearing was held on Wednesday, October 15, 2008, at 10:00 a.m in the Sixth Floor Courtroom of the Terry Sanford Federal Building, at 310 New Bern Avenue, Raleigh, North Carolina. At this hearing, the Defendant was present and represented by counsel.

“The test for determining competency is whether ‘[a defendant] has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding . . . and whether he has a rational as well as a factual understanding of the proceedings against him.’ ” United States

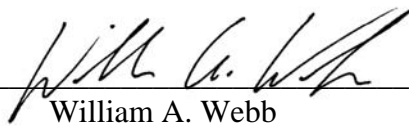
v. General, 278 F.3d 389, 395-96 (4th Cir. 2002) (quoting Dusky v. United States, 362 U.S. 402 (1960)). The forensic report drafted by Rodolfo A. Buigas, Ph.D, Forensic Exam Coordinator, concludes that:

Essential to the issue of competency to stand trial is whether or not a mental disease or defect is present and interfering with the defendant's ability to understand the legal procedures and to properly assist in her own defense. The defendant does not appear to currently suffer from mental illness that would interfere with her trial competency. She has the ability to understand the legal process and assist in her own defense if motivated to do so. Hence, the defendant's degree of trial competency is satisfactory, and it is recommended that Ms. Lamb be found Competent to Stand Trial.

(Forensic Eval, p. 10).

The Defendant did not present any evidence during the competency hearing that would call the conclusion of the forensic report into doubt. The undersigned has reviewed the ten-page report in its entirety and finds that the conclusion is adequately supported by the evidence. Based on this evidence, the Court finds that the Defendant is competent to stand trial.

DONE AND ORDERED in Chambers at Raleigh, North Carolina this 15th day of October, 2008.



William A. Webb
U.S. Magistrate Judge